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1652

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/851,650
	Filing Date	May 8, 2001
	First Named Inventor	Philip J. BARR, et al.
	Group Art Unit	1652
	Examiner Name	Kathleen M. Kerr
Total Number Of Pages In This Submission	4	Attorney Docket No. 300622001610

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name: Brenda J. Wallach, Registration No. 45,193
Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500, San Diego, California 92130

Signature

Brenda J Wallach

Date

October 23, 2002

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Diane Blevins
Diane Blevins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Philip J. Barr, et al.

Serial No.: 09/851,650

Filing Date: May 8, 2001

For: PRODUCTION OF POLYKETIDES IN
BACTERIA AND YEAST

Examiner: Kathleen M. Kerr

Group Art Unit: 1652

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to a restriction requirement herein mailed September 23, 2002, time for response to which is set to expire October 23, 2002. Accordingly, this response is timely filed.

Restriction Requirement

The Examiner is requiring restriction under 35 U.S.C. §121 to one of the following inventions:

- I. Claims 1-6, 8-14, 16, and 30-39, drawn to host cells, vectors, and methods of making polyketide synthases (PKSs);
- II. Claims 7, 15, 17, 25-26 drawn to methods of making polyketides and polyketide libraries;
- III. Claims 18-24, drawn to polyketide synthases (PKS) libraries;
- IV. Claims 18-24, drawn to polyketide libraries; and
- V. Claims 27-29, drawn to methods of identifying polyketides which bind target receptors.

The Examiner has stated that the inventions are distinct, each from the other, for the reasons set forth in the Office Action.

Therefore, Applicant hereby elects Group 1, claims 1-6, 8-14, 16, and 30-39, without
✓ traverse. Applicant hereby cancels claims 7, 15, and 17-29, without prejudice or disclaimer.

Applicant expressly reserves the right under 35 U.S.C. §121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. **300622001610**.

Respectfully submitted,

Dated: October 23, 2002

By: Brenda J. Wallach
Brenda J. Wallach, Ph.D.
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